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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,861	03/07/2000	Stuart Mandel Garland	Garland 42-49-3-13	9056

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Werner Ulrich
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EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,861

Applicant(s)

GARLAND ET AL.

Examiner

Alan T. Gantt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 8/20/06 have been fully considered. Applicant primarily argues that a suggestion of art presented in an Official Notice does not perform the functions of his invention. Applicant thus reaches a conclusion and makes revisions to the claims based on the suggestion presented within the Official Notice statement. The examiner has a different reference to use to meet applicant's claim limitation regarding "wherein a plurality of wireless cellular devices are associated with a single directory number". Since the applicant researched all the Pinard et al. patents and modified his claims on the Pinard patent he thought to be applicable but not performing the functions as called out in his invention, the current Office Action is a Non-final Action. Thus, applicant will have an opportunity to present argument related to the matters presented herein. Since the applicant did not present arguments against the Cromer and Sears references, these arguments are presented again, but this time in combination with a new reference (Nguyen) dealing with a single subscriber number assigned to each one of a plurality of mobile stations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 3-12, and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comer et al, in view of Sears, and further in view of Nguyen, et al.

Regarding claims 1 and 12, Cromer discloses an apparatus for establishing a connection between a server system and a selected wireless device. The following is a description of the apparatus characteristics. Comer discloses a cellular communication device (CCD) for communicating over a cellular network control channel. The system infrastructure includes a PSTN and a cellular network (col. 13, lines 40-43 and Figure 1 [shows **connection to infrastructure of a PSTN and a cellular wireless communication network**]). The CCD is part of a data-reporting device that also includes a monitor, which is connected to a remote data source. The monitor observes the operation of the remote data source to obtain selected data. The CCD and its associated monitor may be used by electric utilities to provide wireless telemetry access to customer premises equipment, e.g. meters, to monitor and record the desired data. A typical application for this type data collection system is to monitor the loads of an electrical load system and to communicate energy consumption data to a central site for processing (col. 13, line 51 to col. 14, line 4).

The device includes a transmitter that can transmit a data message formatted to correspond to an identification signal transmitted by a cellular radiotelephone when that device identifies itself to the cellular mobile radiotelephone system. The CCD is adapted to be either a one or two-way data communications as part of a data message system connecting to a mobile switching center and the data collection system where the data is stored with an identification number related to the particular CCD (Abstract and col. 3, line 54 to col. 4, line 29). The data message contains selected data and is transmitted via the reverse overhead control channel.

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There is also a receiver that can receive command signals from the MSC via a forward overhead control channel (Abstract). **It is this reception capability that has similarities to the applicant's invention in that it suggests a server system being able to call up a specific device and having that device perform tasks.** To do that the server would have to have a database of CCD identifiers providing information relating a device to a mobile identification number.

Comer is set up such that the CCD only responds to the MSC to a command signal containing its predetermined address data as a data collection point for the data transmitted by the cellular communication devices and can, also, have a second link connecting the MSC to a data processing system (col. 22, line 64 to col. 23, line 19). Thus, the following limitation is met: **wherein on a call originated by said server system, said server system provides information for identifying a mobile identification number of said selected cellular device.** The data processing system, in connecting to the MSC in the second link, connects to the data collection system, which connects to the MSC through a first link. The data processing system is typically located at a site remote from the data collection system, which may be collocated with the MSC. Thus, Comer does not explicitly provide **means for connecting a server system to an infrastructure of a PSTN and a cellular wireless communication network.** However, the data collection system and the data processing system connectivity to the MSC suggest a server system connected at both these systems to manipulate operations. Although suggestive of such, Comer does not explicitly state that a server is utilized for these functions.

Sears discloses a method of communicating utility usage-related information from a plurality of meter modules to a plurality of data accumulator units, each of which transmits data to a control computer. Sears is relied upon because it teaches the use of a database file server in a utility meter reading system for a wireless environment. Sears uses a file server for storing information related to each of the utility use locations in the memory connected a utility billing computer and control computer (col. 4, lines 20-39 and Figure 1). Neither Cromer nor Sears deal with a single directory number for a plurality of wireless cellular devices, nor the home location register deriving the mobile identification numbers.

Nguyen discloses a method and system for providing an implementing extension phone service within a cellular radio telecommunication network. Nguyen meets the following limitations:

- (a) wherein a plurality of wireless are associated with a single directory number (col. 2, lines 19-24), and
- (b) said infrastructure comprising Home Location Register means for storing tabular data for deriving a mobile identification number from said information received from said server (col. 2, lines 16-27 and col. 4, lines 39-65).

Comer, Sears, and Nguyen are combinable because they share a common endeavor, namely cellular radiocommunication systems. At the time of the applicant's invention it would have been obvious to modify Comer to explicitly include the use of a server for manipulating the wireless devices as done by Sears and to include a method for implementing an extension phone

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mechanism for cellular systems as done by Nguyen to provide centralized control and setup of the utility meter reading system.

Regarding claim 3-5 and 14-16 Comer uses the data message format associated with a call origination message which allows the CCD to mimic the initiation of a cellular phone call by sending a data message that appears to contain a valid mobile telephone number and an ESN. This format has been adapted to permit the identification of the particular transmitting CCD and the communication of the selected data. A data field on the message contains a "predetermined identifying characteristic" corresponding to at least a portion of the mobile telephone number or MIN assigned to the CCD. Thus, the "predetermined identifying characteristic" is substituted within the data field normally reserved for the MIN in the call origination signal (col. 18, lines 39-49). Comer allows a variety of possibilities for this identifying characteristic or identifier, such as a set of unassigned mobile telephone numbers, a conventional telephone number or a set of 10 digits. Many this predetermined identifying characteristic, mainly, supplies information used by the MSC to recognize that the data message containing the predetermined identifying characteristic is associated with the data collection system and/or the data processing system (tied to the second link) [col.18, lines 50-62]. Thus, Comer is flexible on this identifier. Therefore, the MIN could be the single directory number or common directory number tied to the second link with added differentiation to allow each CCD to be called. It could an international mobile switching identifier. Thus, as long as the MSC is made to correlate the data field to the stored identifier, the identifier can take almost any form.

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Regarding claims 6 and 17, Comer suggests this procedure since there has to be some predetermined identifying characteristic to link the CCD to the data collection system.

Regarding claims 7 and 18, Nguyen would allow for this situation.

Regarding claims 8 and 19, The data collection system, which would typically include a server, issues a validation message that prevents the MSC from attempting to assign a voice call channel for use by the source of the data message. This satisfies applicant's limitation regarding the server system providing information for deriving a call type (col. 25, lines 15-28). Also, as stated previously, by sending out a terminating directory number, the data collection and processing systems are able to operate on individual CCDs.

Regarding claims 9 and 20, the examiner takes Official Notice that it is well known that an international mobile switching identifier is a form of identification for devices using cellular type networks and that it would have been obvious for Comer to use IMSI as it is a universally utilized identifier system.

Regarding claims 10 and 21, Nguyen meets the following limitation, " wherein said home location register means is adapted to be responsive to a location request message comprising a MIN as a search parameter (col. 3, lines 27-40 and col. 6, lines 19-55)

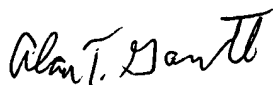
Regarding claims 11 and 22, the examiner takes Official Notice that it is well known that for large accounts such as a service provider connecting to many wireless telemetry devices through an MSC for the server of the service provider to connect to the exchange by way of an ISDN facility for the purpose of better managing the wireless devices.

Conclusion

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Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 308-6306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.



Alan T. Gantt

October 31, 2003


NAY MAUNG
SUPERVISORY PATENT EXAMINER